

### REMARKS

The claims in the application are claims 1-9 and 11-13.

The recitation "fiber- and film-forming" is supported throughout the specification. See, e.g., page 2, last paragraph, and original claims 13 and 14. Substitution of "carboxyl derivative groups" for "carboxylic acid derivatives" is supported at page 6, line 34.

Claims 1-9 and 11-13 have been rejected under 35 USC § 112 as being indefinite. This rejection is respectfully traversed.

The original language of the claims is purely conventional and understood by one of ordinary skill in this art. Something like carbon dioxide is generally not even considered an organic compound, and is not a "carboxylic acid derivative." See, merely for example, *Organic Chemistry, 2d. Ed.*, John McMurry, 1988, pp. 738 and 739, which is hereto attached.

The term which the examiner found to be controversial has been replaced by the explicit language of the original specification. When this application is otherwise in condition for allowance, the examiner might consider returning to the previous recitation which actually is believed to be the more definite of the two.

All of the claims have been rejected under 35 USC §§ 102 and 103 as being unpatentable over Rody in view of Kimura. These rejections are respectfully traversed.

Since no reasons for the rejection under 35 USC § 102 have been stated, and only the two references taken together have been discussed, it is believed that the rejection for anticipation is unsustainable on its face.

The use of multiple references in a rejection under 35 USC § 102 is appropriate only in special cases, none of which applies here. See MPEP §§ 2131 and 2131.01.

To whatever extent the examiner has relied on Rody alone, the following discussion of the differences in applicants' claims and polyamides having molecular weights up to 6100 which appears below is relevant. Again, see MPEP § 2131.

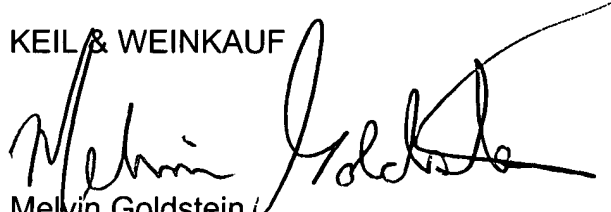
The designations "fiber-forming" and "film-forming" are well known in the relevant art as referring to "high polymers." Both expressions are well understood to require much higher molecular weights than the compounds disclosed by Rody. See line 4 of the Abstract, where it states "relatively low-molecular polymers." See *Ullmann's Encyclopedia of Industrial Chemistry, 5th Ed.*, vol. A10, 1987, pp. 456, and *In re Dowdall*, 137 USPQ 356, 357 (CCPA 1963). Thus, no combination of the teachings of Kimura with those of Rody could possibly result in the invention reflected in applicants' claims.

In light of the foregoing amendments and remarks, it is believed that the rejections of record have been obviated, and allowance of this application is respectfully requested.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

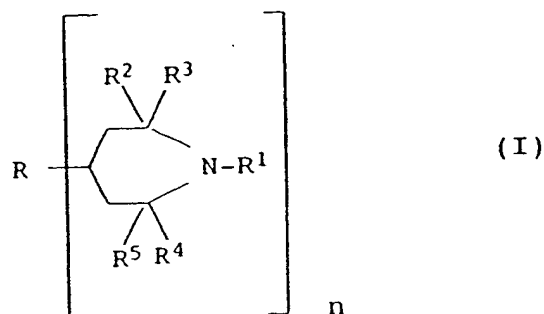
KEIL & WEINKAUF

  
Melvin Goldstein  
Reg. No. 41,560

1350 Connecticut Ave., N.W.  
Washington, D.C. 20036  
(202)659-0100  
MG/kas

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

1. (amended) A process for preparing fiber- and film-forming polyamides, which comprises polymerizing starting monomers or starting oligomers in the presence of at least one compound of the formula (I)



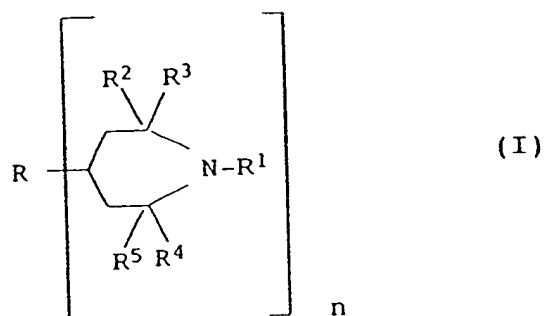
- R is a C<sub>1</sub>-C<sub>20</sub>- aliphatic saturated hydrocarbon R<sup>8</sup> which bears 1-4 identical or different amide-forming groups R<sup>7</sup>,
- R<sup>1</sup> is H, C<sub>1</sub>-C<sub>20</sub>-alkyl, cycloalkyl, benzyl or OR<sup>6</sup>, where
- R<sup>7</sup> is elected from the group consisting of -(NHR<sup>9</sup>), carboxyl and [carboxylic acid derivatives] carboxyl derivative groups, R<sup>9</sup> being H, alkyl having from 1 to 8 carbon atoms, cycloalkyl having from 3 to 10 carbon atoms or alkylene having from 2 to 20 carbon atoms,
- R<sup>2</sup>, R<sup>3</sup>, R<sup>4</sup> and R<sup>5</sup> are independently C<sub>1</sub>-C<sub>10</sub>-alkyl,
- n is a natural number greater than 1,
- the piperidine derivatives attached to R being identical or different with regard to the substituents, meaning R<sup>1</sup>, R<sup>2</sup>, R<sup>3</sup>, R<sup>4</sup> and R<sup>5</sup>,

wherein the compound of the formula I is added to the starting monomers or to the polymerizing reaction mixture and becomes attached to the polyamide through reaction of at least one of the amide-forming groups R<sup>7</sup>.

13. (amended) Filaments, fibers, films, [sheetlike structures] sheets and moldings comprising a polyamide as claimed in claim 11.

**COPY OF ALL CLAIMS**

1. (amended) A process for preparing fiber- and film-forming polyamides, which comprises polymerizing starting monomers or starting oligomers in the presence of at least one compound of the formula (I)



R is a C<sub>1</sub>-C<sub>20</sub>- aliphatic saturated hydrocarbon R<sup>8</sup> which bears 1-4 identical or different amide-forming groups R<sup>7</sup>,

R<sup>1</sup> is H, C<sub>1</sub>-C<sub>20</sub>-alkyl, cycloalkyl, benzyl or OR<sup>6</sup>, where

R<sup>7</sup> is elected from the group consisting of -(NHR<sup>9</sup>), carboxyl and carboxyl derivative groups, R<sup>9</sup> being H, alkyl having from 1 to 8 carbon atoms, cycloalkyl having from 3 to 10 carbon atoms or alkylene having from 2 to 20 carbon atoms,

R<sup>2</sup>, R<sup>3</sup>, R<sup>4</sup> and R<sup>5</sup> are independently C<sub>1</sub>-C<sub>10</sub>-alkyl,

n is a natural number greater than 1,

the piperidine derivatives attached to R being identical or different with regard to the substituents, meaning R<sup>1</sup>, R<sup>2</sup>, R<sup>3</sup>, R<sup>4</sup> and R<sup>5</sup>,

wherein the compound of the formula I is added to the starting monomers or to

the polymerizing reaction mixture and becomes attached to the polyamide through reaction of at least one of the amide-forming groups  $R^7$ .

2. A process as claimed in claim 1, wherein the piperidine derivatives attached to R are identical with regard to the substituents, meaning  $R^1$ ,  $R^2$ ,  $R^3$ ,  $R^4$  and  $R^5$ .
3. A process as claimed in claim 1, wherein  $R^1$  is H.
4. A process as claimed in claim 1, wherein the  $R^2$ ,  $R^3$ ,  $R^4$  and  $R^5$  substituents on any one piperidine derivative are identical.
5. A process as claimed in claim 1, wherein  $R^2$  on any one piperidine derivative is methyl.
6. A process as claimed in claim 1, wherein n is 2.
7. A process as claimed in claim 1, wherein R is a group of the formula - NH -  $R^8$  - NH - where  $R^8$  is alkylene having from 1 to 20 carbon atoms.
8. A process as claimed in claim 1, wherein R is - NH - CH<sub>2</sub> - CH<sub>2</sub> - CH<sub>2</sub> - CH<sub>2</sub> - CH<sub>2</sub> - CH<sub>2</sub> - NH -.
9. A process as claimed in claim 1, wherein the polymerizing is carried out in the presence of at least one pigment.
11. A polyamide obtainable by a process as claimed in claim 1.
12. A process for preparing filaments and fibers, which process comprises melt spinning a polyamide as claimed in claim 11.
13. (amended) Filaments, fibers, films, sheets and moldings comprising a polyamide as claimed in claim 11.